



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

P.O. Box 720
(573) 751-3222

July 3, 2013

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Bill No. 301 entitled:

AN ACT

To repeal sections 43.650, 160.261, 167.115, 167.171, 168.071, 188.023, 211.071, 211.447, 217.010, 339.100, 556.036, 556.037, 556.061, 558.018, 558.026, 559.115, 559.117, 566.020, 566.030, 566.031, 566.040, 566.060, 566.061, 566.070, 566.090, 566.093, 566.095, 566.100, 566.101, 566.224, 566.226, 589.015, 589.400, 589.402, 590.700, 632.480, 632.498 and 632.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to sex offenders, with penalty provisions for certain sections and with an emergency clause for certain sections.

I disapprove of Senate Committee Substitute for House Bill No. 301. My reasons for disapproval are as follows:

Senate Committee Substitute for House Bill No. 301 contains several worthwhile provisions that have been approved as part of other legislation, but it also includes broadly crafted provisions that would reduce public safety and fail to protect the rights of victims, and therefore must be met with my objection.

Senate Committee Substitute for House Bill No. 301 would prevent any individual who committed a sex offense as a juvenile (under 18) from being placed on either the state or county sexual offender notification website, and would further require the immediate removal of the estimated 560 such sex offenders who are currently on the state and county sexual offender websites.

This language is considerably overbroad because it would grant this relief to juvenile sex offenders regardless of the sexual offense for which they were convicted, to include forcible rape, forcible sodomy, and child molestation. Moreover, the bill would deprive victims of sex offenses the opportunity to be heard before an offender is removed from the very websites that are designed to protect victims and other members of the public.

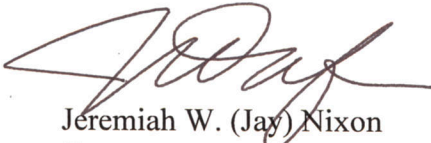
The bill would also allow this class of offenders, after five years from the later of when the offender was found guilty or the end of sentence, to petition a court for removal from the state

sexual offender registry. The court would be required to grant the petition unless such person has been adjudicated of, or has charges pending for, failure to register or any additional offense which would require registration. This petition process eliminates judicial discretion and precludes a court from considering factors that could help inform whether those eligible for removal under this bill could be removed without jeopardizing public safety, such as whether the individual successfully completed any court required treatment. In addition, and similar to the process for removing juvenile sex offenders from the public notification websites, victims would not have an opportunity to object.

Senate Committee Substitute for House Bill No. 301 does not strike the appropriate balance between providing this relief to a limited class of juvenile sex offenders and the need to ensure public safety. Instead, the bill would reverse the significant steps that Missouri has taken to protect the rights of victims and would undermine the important public safety functions provided by the sexual offender registry and public notification websites, and for these reasons Senate Committee Substitute for House Bill No. 301 receives my disapproval.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Bill No. 301 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor